



**US Army Corps
of Engineers®**
New England District

Maine Project Office
675 Western Ave., #3
Manchester, Maine 04531

PUBLIC NOTICE

Date: May 22, 2001
Comment Period Ends: June 22, 2001
File Number: 200116551
In Reply Refer To: Jay Clement
Or by e-mail: jay.l.clement@usace.army.mil

FRANCISCAN MONESTARY, P.O. BOX 980, KENNEBUNKPORT, MAINE 04046 has requested a Corps of Engineers Permit under Section 10 of the Rivers & Harbors Act of 1899 to construct and maintain a pile and timber walkway, gazebo, and pier adjacent to and in the Kennebunk River at Kennebunk, Maine shown on the attached plans and described as follows:

The new structures will replace structures of the same dimension that existed on the site for years but deteriorated and were torn down. The walkway measures approximately 200'x 8' and will extend from the upland south to a 46' diameter octagonal shaped open sided gazebo. Extending west from the gazebo will be a 40'x 8' pile and timber pier leading to an attached 80'x 8' section forming a "T". All structures will be timber pile supported. They are used by the applicant and the general public for passive recreation.

This project will impact approximately 3440 square feet of saltmarsh from shading and construction. The Kennebunk River is considered Essential Fish Habitat (EFH) - see attached list of species and life cycles. Impacts to these species are expected to be minimal since the structures will be of open pile construction and will occupy the previously disturbed footprint of the original structures. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The project is located on the KENNEBUNKPORT, ME quadrangle sheet at Universal Transverse Mercator grid coordinates N 4800806.0, E 380270.0.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so in writing, within the comment period specified in this notice. Comments should be addressed to Jay Clement, Project Manager at the address noted above.

Any person may request, in writing, within the comment period that a public hearing be held to consider the application. Such requests shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**

David H. Killoy, P.E., C.P.G.
Chief, Permits & Enforcement Section
Regulatory Branch

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- (x) Permit, License or Assent from State.
- (x) Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	43° 30.0' N	70° 20.0' W	43° 20.0' N	70° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Gulf of Maine waters within the square within Saco Bay within the square affecting the following: east and south of Biddeford, ME., from Ocean Park past the Saco River around Wood I. Harbor, Biddeford Pool, Fletcher Neck, Hoyt Neck, Little River, Cutts Cove, Goose Rocks Beach, Goosefare Bay, past the Kennebunk River to Kennebunk Beach in Kennebunk, ME. Includes those waters affecting Kennebunkport, ME., Cape Arundel, Cape Porpoise, Eagle I., Ram I., Stage I., Goat I., Bumpkin I., and the western half of Wood I. Other features affected include Paddy Creek, Fishing Rock, Timber I., Fortunes Rocks, Libbyshears, and Hussey Neck.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	X
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)	X			
pollock (<i>Pollachius virens</i>)			X	
whiting (<i>Merluccius bilinearis</i>)				X
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)			X	X
white hake (<i>Urophycis tenuis</i>)			X	X
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)	X	X		X
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)	X	X	X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)		X	X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprillus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)			X	X
summer flounder (<i>Paralichthys dentatus</i>)				
scup (<i>Stenotomus chrysops</i>)	n/a	n/a		
black sea bass (<i>Centropristus striata</i>)	n/a			
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
bluefin tuna (<i>Thunnus thynnus</i>)				X